

## 21 C.J.S. Courts § 213

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### Courts

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### VI. Rules of Adjudication, Decisions, and Opinions

#### B. Stare Decisis

#### 2. Courts Making Prior Decision

## § 213. Courts of foreign countries

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**Ordinarily, decisions of courts of foreign countries are not binding as precedents, but they should be followed to the extent that they apply to their own laws.**

In general, decisions of courts of a foreign country have no authority as precedent<sup>1</sup> though they are entitled to respectful consideration<sup>2</sup> as guidance.<sup>3</sup> Furthermore, under the rules of international comity, the courts of the United States must follow the interpretations of the tribunals of a foreign country to the extent they apply to their own laws.<sup>4</sup> However, a single decision of an appellate court of a foreign country that runs contrary to the settled law elsewhere and is not controlling as a precedent in the courts of that country will not be deemed authoritative here as to the law of that country.<sup>5</sup> Decisions of the International Court of Justice (ICJ) are not binding precedent.<sup>6</sup> Specifically, although these rulings have binding force on the parties as a matter of international law, they are not binding with regard to interpretations of treaties as a matter of United States law.<sup>7</sup> Decisions of a foreign country that have already interpreted the Hague Rules should be followed so long as they do not conflict with the decisions of United States courts.<sup>8</sup>

### *English courts.*

English decisions made after the Revolution, while not received as absolute authority in our courts,<sup>9</sup> may be cited and entitled to great respect.<sup>10</sup> A decision of the English House of Lords is not binding on a United States court.<sup>11</sup>

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Footnotes

- 1 U.S.—*Cordova v. Folgueras y Rijos*, 227 U.S. 375, 33 S. Ct. 350, 57 L. Ed. 556 (1913); *Eshel v. C.I.R.*, 142 T.C. 197, 2014 WL 1315965 (2014).
- Ill.—*Pekin Ins. Co. v. Home Ins. Co.*, 134 Ill. App. 3d 31, 89 Ill. Dec. 72, 479 N.E.2d 1078 (1st Dist. 1985).
- 2 U.S.—*Eshel v. C.I.R.*, 142 T.C. 197, 2014 WL 1315965 (2014).
- 3 Mass.—*Vorontsova v. Waronzov*, 75 Mass. App. Ct. 20, 911 N.E.2d 774 (2009).
- 4 U.S.—*U.S. v. Pillsbury Flour Mills Co.*, 96 F.2d 854 (C.C.P.A. 1938).
- 5 U.S.—*Yone Suzuki v. Central Argentine Ry.*, 27 F.2d 795 (C.C.A. 2d Cir. 1928).
- 6 Tex.—*Contreras v. State*, 324 S.W.3d 789 (Tex. App. Eastland 2010).
- 7 Pa.—*Com. v. Judge*, 591 Pa. 126, 916 A.2d 511 (2007).
- 8 U.S.—*Sunkist Growers, Inc. v. Adelaide Shipping Lines, Ltd.*, 603 F.2d 1327 (9th Cir. 1979) (rejected on other grounds by, *Westinghouse Elec. Corp. v. M/V Leslie Lykes*, 734 F.2d 199 (5th Cir. 1984)).
- 9 Ind.—*State v. Dearth*, 201 Ind. 1, 164 N.E. 489 (1929).
- 10 N.J.—*Loudon v. Loudon*, 114 N.J. Eq. 242, 168 A. 840, 89 A.L.R. 904 (Ct. Err. & App. 1933).
- What decisions constitute the English common law accepted in the United States, see *C.J.S., Common Law § 7*.
- Interpretation of maritime insurance policy**
- U.S.—*Standard Oil Co. of New Jersey v. U.S.*, 340 U.S. 54, 71 S. Ct. 135, 95 L. Ed. 68 (1950).
- 11 Conn.—*Fireman's Fund Ins. Co. v. TD Banknorth Ins. Agency, Inc.*, 309 Conn. 449, 72 A.3d 36 (2013).

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